

The Vinita Weekly Chieftain.

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HAS NO JURISDICTION

JUDGE PANCOAST'S FAMOUS INJUNCTION DISSOLVED.

ELECTION ORDINANCE IS VALID

Supreme Court Also Holds That It Cannot Interfere With County Divisions or Gerrymander.

Guthrie, Okla., June 26.—The Oklahoma supreme court in a very sweeping decision this afternoon dissolved Judge Pancoast's injunction against holding an election for ratification or rejection of the constitution and the selection of state officers, and left the constitutional convention free of all legal obstructions, so far as Oklahoma courts are concerned.

All other convention cases pending on appeal to the supreme court and seeking injunctions against county division, legislative gerrymander and the election were dismissed.

The court held that it is without jurisdiction over the acts of the constitutional convention prior to the time the constitution becomes a law by approval of the president.

Attorneys for the defendants in error, who were seeking injunctions, gave notice that they would ask for a writ of supersedeas to keep the Pancoast injunction alive during pendency of an appeal to the supreme court of the United States. The supreme court ruled that this application must be made to the judge giving the majority opinion, which makes it unlikely that the writ will be granted. If not granted, the constitutional convention authorities can proceed with the election, which would probably be held before the supreme court of the United States could decide the case.

Two opinions were rendered by the court: By a vote of 5 to 2, that it has no jurisdiction over the action of the constitutional convention in dividing or changing boundaries of counties; by a vote of 4 to 3, that the ordinance calling an election for August 6, is valid.

Judge Burwell rendered an oral opinion dissenting from decision of the court on validity of election ordinance.

Following are some points in the syllabus:

The constitutional convention is vested with power and charged with the duty of forming a state government, and in discharging such duties exercises legislative powers and functions.

The convention can exercise plenary power, subject to limitations that constitution shall be republican in form and not repugnant to the constitution of United States and the Declaration of Independence and that no discrimination shall be made on account of race or color, and that it shall by ordinance irresistably accept constitution of enabling act.

The power to form a state government clearly implies the power to create and define all counties within the limits of the proposed state, except that the Osage nation shall remain one county until lands are allotted.

"Congress authorized the convention to provide by the ordinance for an election for ratification or rejection of the constitution and to fix the date."

W. A. Ledbetter, attorney for the constitutional convention, and a prominent delegate, said tonight:

"I do not think the convention should be reassembled before July 10. Under the direction of the president the attorney general now has the constitution under investigation, and the result, if made known to the convention, might suggest possible changes."

William H. Murray, president of the constitutional convention, has issued the following call to the members of the constitutional convention of Oklahoma:

"You are hereby notified that the constitutional convention for the proposed state of Oklahoma will reconvene in the city of Guthrie, the seat of government, Wednesday, July 10, there at 10 o'clock in the morning for the purpose of making any proper changes in the election ordinance and making such other regulations as will subserve and promote the interests of statehood. You are urged to be present promptly at the convening of the convention. A committee on election ordinance to consist of R. L. Williams, W. A. Ledbetter, S. W. Hayes, M. J. Karr, Henry S. Johnston, D. S. Ross, George A. Henshaw, John B. Harrington and John J. Carter is hereby designated for the purpose of submitting suggestions relative thereto, and said

STORM AT CHOTEAU MASTER IN CHANCERY DOWN YUKON RIVER

Heavy Wind and Rain Cause Much Damage to Property—No one Killed but Several Injured.

Chouteau, I. T., June 26.—(Special) During a heavy wind and rain storm here today, considerable damage was done throughout the town and surrounding country. The little town of Maine, five miles south of here suffered great loss of property. It is reported that the walls of several brick buildings were blown down and a number of houses and barns were unroofed. It is also reported that the home owned by Mr. Smith was completely demolished, but the report is not verified. There has been no loss of life reported but a number of persons were more or less injured.

MUSKOGEE MAN SUES FOR HALF A MILLION

Muskogee, I. T., June 26.—Papers are being drawn for filing the \$500,000 damage suit of C. W. Turner against former Secretary of the Interior Ethan Allen Hitchcock, and attorney Nagle, of St. Louis, on account of the recent suits brought by Creek Nation attorney Hott to recover town lots in Muskogee, alleged to have been fraudulently obtained from the Creek nation.

Turner will claim that he has been injured to the extent of a half a million dollars on account of the filing of the suits at the instigation of Secretary Hitchcock as his real estate holdings have been tied up in such a manner that he cannot dispose of them.

Masons Install Officers.

Tuesday, June 25.—Vinita Lodge No. 5, A. F. & A. M., gave a banquet last night and installed the following officers:

August Schlecker, worshipful master; A. J. Green, senior warden; J. F. Murphy, junior warden; Cecil Long, secretary; J. H. Butler, treasurer; S. S. Smith and Will Meeks, deacons; H. C. Miller and George Coney, stewards; J. L. Bougartner, tyler.

Courts in Vacation

Tuesday, June 25.—Judge Gill will open court each day when in Vinita, at 9 o'clock a. m. Parties having court business for the day must be in attendance on court at 9 o'clock to present their business. Immediately upon adjournment no further business will be transacted during the day.

The Vinita Chautauqua is a great thing for this community. The assembly will bring some of the best and brightest minds in the country to our city and the influence these men and women will have a lasting impression upon the minds of every person, especially the young people. You can't help the Chautauqua movement without benefiting yourself.

The Morgan roofing company are doing some work for Sam France.

committee is requested to meet in Guthrie July 5, 1907, for said purpose.

"Whereas, since the adjournment of the convention criticism of the legislative apportionment has been made thereto through the Republican press and,"

"Whereas, the Republicans did present any request, facts or statistics at the making of said districts, and the Democratic majority at all times before the apportionment has been made thereto through the Republican press and,"

"Notice to Democrats

A. A. Davidsen succeeds Tidwell at Muskogee—Worked in Cherokee Land Office in Vinita.

Muskogee, I. T., June 25.—A. A. Davidsen, of Tahlequah, I. T. formerly of Kankakee, Ill., was yesterday appointed master in chancery and probate commissioner of the western district to succeed Clark J. Tidwell, resigned.

Mr. Davidsen took the oath of office immediately after his appointment by Judge Lawrence. He will move to this city at once and assume the duty of his office.

In Kankakee Mr. Davidsen was considered a lawyer of ability. In 1902 he was given a clerkship on the Dawes commission by Col. Thos. B. Needles. He was later transferred to the contest division. Later he was sent to Vinita, where he was employed in the Cherokee land office. When Judge Lawrence was appointed in the northern district he was looking for a master in chancery and having known Mr. Davidsen in Illinois, gave him the place.

Davidsen is about forty years old. He is married and has a family.

KANSAS CITY STOCK MARKET

Reported to The Chieftain.

Kansas City Stock Yards, June 24, 1907.—Extraordinary supplies of quarantine cattle were received last week, total run for the week 744 car loads. Receipts of natives decreased from recent weeks, less than 30,000 head for the week, and as a rule there was small conflict cattle to the native division and those in the southern division, because of the entirely different quality and class represented in the two divisions. Finish was lacking in the big majority of quarantines received last week, and the lower grades suffered a decline of 20 to 30 cents for the week. Fair to good steers declined 10 to 25, cows about the same, veal a quarter lower. Supply today is only half as large in the quarantine division as a week ago, at 110 car loads today marked steady and active. Nothing to approach the quality of the #85 cattle of a week ago has been here since, top today \$4.50 for wintered steers weighing 1100 pounds. Other sales of fair to good steers today range from \$1.00 to 4.00, medium to common steers \$3.00 to 4.00, cows 2.25 to 3.25, veal 4.00 to 5.25. No dry hot stuff has been here lately but weighing fed steers advanced 10 to 25 cents last week, as they are becoming scarce all over our territory. Indications favor reduced marketing of quarantine cattle for a week or two which will allow the situation to re-correct.

Reduced marketing of hogs first of last week caused and an advance in prices, but heavier receipts since Wednesday have brought a low, 8 to 10 lower today on receipts of "seen hogs." A heavy rain at Chicago is the bear feature today, but the market is not able to stand up under as heavy supplies now as a few weeks ago, and decline may be expected on heavy rains. Light and medium weight hogs sold at \$5.50 to \$6.00 today, heavy hogs \$5.00 to \$6.00.

W. E. Haisell, banker and ranchman of Vinita, I. T. who is a pioneer in that part of the territory, dropped in at the yards yesterday with a shipment of quarantine cattle. Mr. Haisell located there more than a quarter of a century ago, and he has made money. He managed to purchase over 2,000 acres of good land in Cherokee nation before the restrictions went on, and this land is now very valuable. Besides this he has interests in Texas ranches. "So far as I am able to see," said Mr. Haisell, "not a country anywhere contains more staple resources than the Indian Territory. These resources are so varied that they are bound to make the country famous in a short time and bring it right to the front. We have an abundance of coal, distributed all over the territory. Then we have the oil and natural gas. It is a first class agricultural and stock country. Besides these, we have plenty of water and an abundance of good timber lands."

Notice to Democrats

J. J. Spencer has been authorized by the county committee to collect campaign funds in the town of Vinita and elsewhere.

Rev. Geo. S. Falcher of Oswego is visiting his parents here this week.

FRED RATCLIFF TELLS ALL ABOUT PERILOUS JOURNEY

NO TRIP FOR "SISSY" BOY

An Entertaining Diary of a Journey From White Horse, Yukon, T. Y., to Dawson City.

The parents of Fred Ratcliff, Mr. and Mrs. E. N. Ratcliff, this week received a most interesting letter from their son in the far-off Klondyke region. Following is an extract that will doubtless be read with much interest by Fred's many friends and acquaintances:

Dawson, Yukon, Territory May 21.—After ten long days of hard work we reached this famous city of the Klondyke. Covering the distance of 400 and odd miles from White Horse in a small open boat. We reached here last night about 9 o'clock and I was good and glad to leave our little boat for a while. When you have spent from 12 to 14 hours a day for 10 days in a little crowded, cramped up boat a little liberty of body and limb is most welcome. Talk about work, I had no idea what that word meant until this experience. I am so tired and worn out from loss of sleep and constant attention that I don't feel like doing a thing but just lay around. I will feel fine though when I rest up a little. I am in splendid physical condition but "gee" how I am sunburned. I doubt if you would have known me when I got in last night with my face burned a dark red and all peeled off, with a ten days growth of whiskers added. I looked good and woolly (to say nothing of the dirt, you know you can't wash in ice cold water to do much good), and that is all there is here. Water so cold that it takes the skin off your tongue to drink it. In lake La Barge the water was so clear and beautiful and looked so good.

We were working hard and sweating and thirsty, but it was almost like taking poison to drink much of the water. We had to wash it. We kept a sort of diary of our trip down the river, and here it is:

May 26.—Left about 8 o'clock out of bread for a meal but get a fresh supply at a store on the river bank. River getting larger and not so swift current from four to eight miles an hour; country barren and desolate; no inhabitants except a wood-chopper's camp here and there, where the steam boats take on fuel. Since we have been on the river each man puts the oars an hour. Nine p. m., camp in the open.

May 27.—Pass two coal mines on the river bank; also pass the famous Five Finger rapids. The channel is narrow and very swift. There are five rocks sticking up out of the channel and the water pours through between them with tremendous force. The water was foamy and rough when we went through. The boat was shaken about some and a few say full of water was splashed in. I was afraid of getting lost in making the passage. In effecting a landing for the night, Pete, standing up in the prow of the boat, in some way was dumped into the shallow water. He was "set-and-end." We had to have a little fun. Camped at in in p. m.

May 28.—Slept on dry leaves. Started at 5 a. m. Prow through rock rapids, see a forest crested a smooth rock, past campsite up to the roof, which at this point is nearly as large as the Mississippi river. Far more broad at 50 miles, 100 miles from Dawson camp at 6 p. m.

May 29.—Started at 5 a. m. in a small boat and swam about 30 miles, worked 14 hours; saw nothing but our "you-own-camp." The river and the rapids, eternal tides. Camped at the mouth of Stewart's river, 5 p. m.

May 30.—Started at 7 a. m. with the expectation of making Dawson now hard all morning, camping at 2 p. m. for dinner. The river is so wide in places that you can hardly distinguish a boat across it. Take it easy all afternoon; sight Dawson at 4:30 p. m., and reach there an hour later.

Our provision bill for the trip was about \$7. We had ham, meat, sugar, coffee, tea, butter, rice, beans, dried apples, condensed milk, canned jam, potatoes, onions, cut meat, bread and hard tack. A few packages of substantial to eat when we are working as hard as we were. Everything was raw and clean (?) and delicious because frozen and I cooked it. It was a great trip but it won't do for a "lumberjack" or a "sissy boy" to undertake it.

May 31.—Captain's birthday. Main body of ice joined to shore by a seam of ice a half inch thick, ice an inch thick. Seven o'clock a. m.—Boat crews go back after our boat and bring her to camp by 1 o'clock. Dinner. Afternoon by hard work, made some progress—part of the time on water,

part in mush ice; sometimes lift the boat out on the ice and slide her to next open space. "Pete" is made official dishwasher. We do the cooking. Camp at 10:30 p. m.

May 24.—Green's birthday—Big day in Canada. No time to celebrate; work hard, get wet above knees in the icy water. Pete shoots two ducks. In the afternoon we strike open water; sail boat for half an hour. This is fine-wind keen. Find ice jammed by the winds on the shore blocking our open sea easy going; great blocks of ice five feet thick and 20 feet square piled high and dry on the banks. No chance to get over the ice at that point. We unload and carry both boats and cargo a mile or more on our shoulders around the ice jam. This was no fun, but we find open water again and row on till midnight.

May 25.—Seven o'clock.—Start again for the river, in company with several other boats whose crews have been camped at the foot of the lake for several days. We have two or three miles of stiff, mush ice to push through with poles; no chance to use oars; we push our way a foot at a time—sometimes only an inch or two and sometimes stuck completely. Reach the outflow of the lake into the river about 1 o'clock in the afternoon, after a day of the most trying and hardest work of my experience. The skin is all worn off my hands and they are numb from being so long in ice cold water. Dinner, start down the river and row till 5:30. Camp and sleep on the bare ground, as we have done every night except one. When we reached the river we found three poor fellows who had their boats wrecked and lost all of their outfit in the ice jam. They had built a raft but it had torn to pieces with them and they had been wet in that icy water for two days. But they were game and were building another boat with which to continue their journey.

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WILL TAKE CENSUS

ROOSEVELT WANTS INFORMATION ON OKLAHOMA VOTE.

TO SEEK OUT GERRYMANDER

Population of Proposed Divisions in Oklahoma to Be Sized Up to Determine Their Fairness.

Washington, June 23.—On advice of the attorney general the president today instructed the secretary of commerce and labor to have the census bureau make a special census of the inhabitants of the proposed state of Oklahoma, including both the present territory of Oklahoma and the Indian Territory to determine the population of the new state and its distribution among the several territorial subdivisions into which the state will be divided should the constitution be approved by the convention lately sitting there be approved at the polls.

This, the first action taken by the president touching the Oklahoma constitution, shows that he has had it under consideration, and is somewhat concerned over the gerrymander, which the Democrats made, and which the Republicans are complaining of. Republican leaders from the territories while here recently produced the vote of the various districts and counties to show the president how unfair the gerrymander was. They pointed out that thousands of people had practically been disfranchised. The vote which they used in their arguments before the president was that cast for delegates to the constitutional convention, the latest expression of the people.

The Democratic delegation, which followed the Republicans here, pointed out that the division of the state into senatorial and legislative districts was not based upon the vote cast at the constitutional delegate election, but upon the population. They claimed that the vote cast at the election should not be taken as a basis, as in many strong Democratic counties the contests were settled at the Democratic primaries and the people did not vote later, at the regular election.

The enumeration